

REMARKS/ARGUMENTS

Claims 1-19 are pending in the present application. In the Office Action mailed July 1, 2004, the Examiner rejected claims 1-19 under 35 U.S.C. § 102(b). The Examiner also rejected claims 4, 5, 6, 11 and 12 under 35 U.S.C. § 103.

In the above amendments, claims 1 and 15 have been amended. Support for these amendments may be found in Applicant's specification.

Reconsideration is respectfully requested in view of the above amendments to the claims and the following remarks.

A. Rejection of Claims 1-19 Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1-19 under 35 U.S.C. § 102(b) as being anticipated by International Publication No. WO 98/53581 to Gaw et al. (hereinafter, "Gaw"). This rejection is respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. § 2131 (Aug. 2001) (quoting Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the . . . claim." Id. (quoting Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, "the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." In re Paulsen, 30 F.3d 1475, 1479, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Claim 1, as amended, requires "gateway software running on a gateway computer" and "server software running on a server computer that is separate and distinct from the gateway computer." Thus, as claimed the gateway and the server are separate computers. Gaw does not disclose both of these claim elements. Figure 1 of Gaw shows that the "[s]ystem 10 includes a server 12 and a plurality of client work stations 14a, 14b, 14c associated with server 12." Gaw, Page 7, lines 30-31. "Server 12 is also networked with a control network 18 having a plurality of devices

shown generally as camera 20, air conditioner 22, motion sensor 24, temperature sensor 26 and door lock 28.” Id., Page 7, line 32, Page 8, lines 1-2. Thus, the server of Gaw is connected directly to the devices through the control network. Further in support of this Gaw states that the “server 12 in accordance with the present invention translates the data from the workstations 14a-c from the platform independent form to a platform dependent form which the control network 18 can understand.” Id., Page 9, lines 11-13. Following this statement, Gaw adds that “[l]ikewise, the server 12 translates the data from the control network 18 from a platform dependent form to a platform independent form which is understood by the workstations 14a-c.” Id., Page 9, lines 13-15. Gaw does not disclose a gateway computer.

Figure 2 of Gaw is a logical diagram of architecture. “The logical operation of the invention will be more fully understood by reference to FIG. 2 as well as FIG. 1, wherein the logical architecture 33 of the system 10 of the invention is shown.” Id., Page 9, lines 16-18. Figure 2 does not disclose a gateway computer but only discloses the server computer.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Because Gaw only discloses a server computer and does not disclose a gateway computer, all elements of claim 1 are not disclosed in Gaw.

Because the gateway computer term does limit the scope of claim 1, and because Gaw does not disclose this limitation, Applicant respectfully requests that the rejection of claim 1 be withdrawn. Claim 2-7 depend either directly or indirectly from claim 1. Thus, Applicant respectfully requests that the rejection of claims 2-7 be withdrawn for at least the same reasons as those provided above with respect to claim 1.

Claim 8 recites “a gateway computer” and “a server computer in electronic communication with said gateway computer.” As discussed above in relation to claim 1, Gaw does not disclose a gateway computer. Thus Applicant respectfully requests that the rejection of claim 8 be withdrawn. Claim 2-7 depend either directly or indirectly from claim 1. Thus, Applicant respectfully requests

Appl. No. 09/727,244
Amdt. dated December 30, 2004
Reply to Office Action of July 1, 2004

that the rejection of claims 9-14 be withdrawn for at least the same reasons as those provided above with respect to claim 1.

Claim 15, as amended, recites “a gateway computer” and “a server computer.” As discussed above in relation to claim 1, Gaw does not disclose a gateway computer. Thus Applicant respectfully requests that the rejection of claim 15 be withdrawn. Claim 16-19 depend either directly or indirectly from claim 15. Thus, Applicant respectfully requests that the rejection of claims 16-19 be withdrawn for at least the same reasons as those provided above.

B. Rejection of Claims 4, 5, 6, 11 and 12 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 4, 5, 6, 11 and 12 under 35 U.S.C. § 103(a) based on International Publication No. WO 98/53581 to Gaw et al. (hereinafter, “Gaw”) in view of International Publication No. WO 98/76155 to Marcus et al. (hereinafter, “Marcus”). This rejection is respectfully traversed.

The M.P.E.P. states that

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

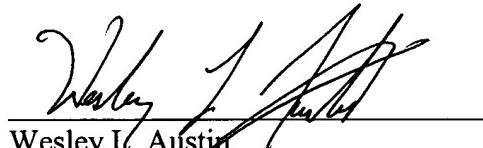
M.P.E.P. § 2142.

Appl. No. 09/727,244
Amdt. dated December 30, 2004
Reply to Office Action of July 1, 2004

As discussed above, Gaw does not teach or suggest a “gateway computer” that is separate and distinct from the “server computer”. Claims 1-19 all require “a gateway computer” and “a server computer”. Because the prior art references do not teach or suggest all the claim limitations, Applicant respectfully requests that the rejection of claims 4, 5, 6, 11 and 12 under 35 U.S.C. § 103(a) be withdrawn.

Applicants respectfully assert that claims 1-19 are patentably distinct from the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,



Wesley L. Austin
Reg. No. 42,273
Attorney for Applicant

Date: December 30, 2004

MADSON & METCALF
Gateway Tower West
15 West South Temple, Suite 900
Salt Lake City, Utah 84101
Telephone: 801/537-1700